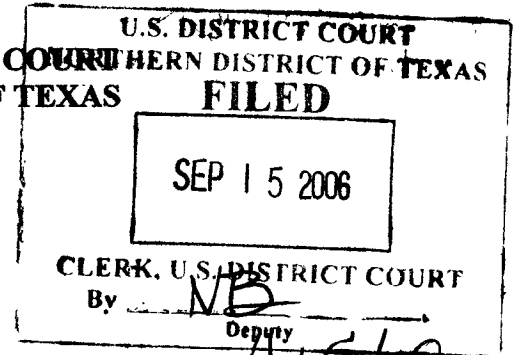


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



VINCENT FIELDS, JANET MAXEY
WANDA BUNTON, HERMAN
BROWN, LORI WALKER, AND
BRITTANY RODDY

Plaintiffs,

vs.

DALLAS COUNTY SCHOOLS AND
RICK SORRELLS, and LARRY
DUNCAN, in their individual and
official capacities.

Defendants.

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CIVIL ACTION NO.

3-06 CV 1688-L

PLAINTIFF, VINCENT FIELDS JANET MAXEY, HERMAN BROWN, WANDA
BUNTON LORI WALKER, and BRITTANY RODDY 'S, ORIGINAL COMPLAINT
AND JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Vincent Fields, Janet Maxey, Herman Brown, Lori Walker, Wanda Bunton and Brittany Roddy, hereinafter called ("Plaintiffs"), complaining of and about Dallas County Schools and Rick Sorrells, hereinafter called ("Defendants"), and for cause of action shows unto the Court the following:

PARTIES AND SERVICE

1. Plaintiff, Vincent Fields, is a citizen of the United States and the State of Texas and resides in Tarrant County, Texas. Plaintiff, Jan Maxey, is a citizen of the United States and the State of Texas and resides in Kaufman County, Texas. Plaintiff, Herman Brown, is a citizen of the United States and the State of Texas and resides in Dallas County, Texas. Plaintiff, Lori Walker, is a citizen of the United States and the State of Texas and resides in Dallas County, Texas. Plaintiff Brittany Roddy, is a citizen of the United States and the State of Texas and

resides in Dallas County, Texas.

2. Defendant Dallas County Schools ("DCS") is an education agency which services Dallas County's 15 independent school districts. DCS may be served with process by serving its superintendent Rick Sorrells, at Dallas County Schools Administration Building, located at 612 N. Zang Blvd. Dallas, Texas 75208.

3. Defendant Rick Sorrells is a citizen of the State of Texas, said Defendant may be personally served with process at the following address: Dallas County Schools Administration Building, located at 612 N. Zang Blvd. Dallas, Texas 75208.

4. Defendant Larry Duncan, is a citizen of the State of Texas, said Defendant may be personally served with process at the following address: Dallas County Schools Administration Building, located at 612 N. Zang Blvd. Dallas, Texas 75208.

JURISDICTION

5. The action arises under 42 U.S.C. 2000e, and 42 U.S.C. 1981, as hereinafter more fully appears.

6. This Court has supplemental jurisdiction over state law claims of defamation and negligence discussed below under 28 U.S.C. Section 1367(a) because they arise out of the same case or controversy.

NATURE OF ACTION

7. This is an action under Title 42 U.S.C. Section 2000e et. seq. and 42 U.S.C. Section 1981 as amended by the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race.

CONDITIONS PRECEDENT

8. All conditions precedent to jurisdiction have occurred or been complied with: a charge of discrimination was filed with the Equal Employment Opportunity Commission within three-hundred days of the acts complained of herein and Plaintiff's Complaint is filed within ninety days of Plaintiffs' receipt of the Equal Employment Opportunity Commission's issuance of a right to sue letter.

FACTS:

9. Vincent Fields, hereinafter ("Fields"), was employed with DCS as an Area Director of Transportation for six years; during, the relevant time period, Fields was the only African American Area Director employed by DCS. It is the position of Area Director, and the discriminatory practices he was subjected to in this position, that he complains about herein.

10. Jan Maxey, ("Maxey") during the relevant time period was employed as a supervisor with 15 years experience with DCS, it is the position of supervisor, and the discriminatory practices she was subjected to in this position, that she complains of herein.

11. Lori Walker, ("Walker") during the relevant time period was employed as a bus driver for 15 years, it is the position of bus driver, and the discriminatory practices she was subjected to in this position, that she complains of herein.

12. Herman Brown, ("Brown") during the relevant time period was employed as a bus driver, it is the position of bus driver, and the discriminatory practices he was subjected to in this position, that she complains of herein.

13. Wanda Bunton, ("Bunton") during the relevant time period was employed as a bus driver, it is the position of bus driver, and the discriminatory practices she was subjected to in this position, that she complains of herein.

14. Brittany Roddy, ("Roddy") during the relevant time period was employed as a bus monitor, it is the position of bus monitor, and the discriminatory practices she was subjected to in this position, that she complains of herein.

15. As Transportation Director, Fields was responsible for overseeing the day to day operations of transportation. For the first Five years of his career, Fields was the Area Director of Lisbon Service Center, which became the Pat Rainey Service Station, ("Pat Rainey"). In this capacity, he was responsible for effectively transporting 10,000 Dallas County School children twice a day.

16. While Area Director for Pat Rainey, Fields implemented sound procedures in conjunction with the policies set forth by DCS. These procedures enabled Fields and his staff to successfully perform their daily job duties.

17. In August of 2005, Fields was informed that he would be transferred from the Pat Rainey Service Center to the Kleberg Service Center. This transfer came as a surprise to Fields, in that the decision to transfer him, was made just two weeks prior to the start of the 2005 school year. With this transfer, there was an incredible amount of work to be done, in terms of setting up new programs, hiring, training, as well as transition that needed to take place before the start of the school year. Fields, contends that this transfer, and its huge undertaking, were a structured design for him to fail.

18. During this same time, Fields learned that the Kleberg Service Center would also be responsible for the transition of the Wilmer Hutchins School District. The addition of the Wilmer Hutchins District, required major changes in route structure and route design.

19. Before the transfer, Fields was informed that he could select a supervisor to transfer with him, Fields chose supervisor Jan Maxey, with fifteen years experience with DCS. Herman

Brown, Lori Walker Wanda Bunton all elected to transfer as experienced bus drivers from Pat Rainey.

20. Although the new management team was given just two weeks to integrate with the Kleberg Service Center, the start of the school year was a success, such a success that Fields and his staff were publicly recognized by DCS in November of 2005.

21. When Fields transferred to the Kleberg Service Station, he maintained the same successful procedures he implemented at the Pat Rainey Service Station. These procedures included a driver log to monitor driver attendance. In addition, DCS implemented "drive time" in 2005, drive time was used for recording and calculating the work time of the bus drivers. Surprisingly, drive time rarely worked; therefore, the dispatchers would have to manually input drivers' work time. It is important to note, that dispatchers not managers were responsible for the input of driver work time.

22. Also, to keep up with drivers and their whereabouts, DCS added a GPS system to record the location of its drivers; unfortunately the GPS system was not implemented at all the service stations, including the Kleberg Service Station. The whole purpose of the GPS system, is route management; route management is important, considering there is no way for supervisors to know exactly what each driver is doing during the day.

23. When Fields transferred to the Kleberg Service Station, he essentially inherited the staff of the Kleberg Service station, other than those who elected to transfer with him. These transfers from Pat Rainey created enormous animosities. The Kleberg bus drivers in place before the transfer, resented the transfer of the new bus drivers; likewise some of the employees resented the transferring of Fields as Area Director, and Maxey as supervisor.

24. Early in the school years, Fields and Maxey complained about the inadequacy, and inefficiency of certain staff members. Nevertheless, they were forbidden from counseling or terminating certain employees. When they questioned their inability to effectively manage these problem employees, they were told just to "document their file," nothing more.

25. Certain employees began to boast that they were "moles" of Rick Sorrells, and assigned the task to "set up" Fields and Maxey. There was further boasting by some employees that they were "untouchable" in terms of being disciplined.

26. During this same time, neither Fields nor Maxey ever received any negative feedback regarding their work performance from their manager Terry Penn. Likewise, they were never written up, counseled or disciplined in any manner. The only feedback they received was the favorable accolade regarding the successful start of the 2005-2006 school year.

27. In January of 2006, Fields and his staff was informed that there was a departmental audit, to which they needed to fully comply. All information within Mr. Fields' possession requested by the audit committee, was turned over.

28. In February of 2006, without prior warning, write -up or discipline, Fields and Maxey were informed that they were placed on administrative leave, pending investigation; they were never given a reason why they were placed on leave, except for DCS did not want them to "fix things" during the audit.

29. When Fields and Maxey were on leave, some of the driving staff, and monitors were required to take polygraph examinations, specifically, Herman Brown, Lori Walker Wanda Bunton, and Brittany Roddy. During the drivers' polygraph examinations, they were told, "all we want is Fields and Maxey." When Brown, Walker, Bunton, and Roddy refused to make up false information about Fields and Maxey, they were all accused of an elaborate "kickback

scheme.” It was DCS’ contention that Brown, Walker, Bunton, and Roddy were given additional hours by Fields and Maxey and in exchange, they paid Fields and Maxey. When the drivers denied these allegations during their polygraph exam, they were accused of lying, deception, then placed on administrative leave without pay. Ironically, only the drivers that transferred from the Pat Rainey service center were placed on administrative leave.

30. After the drivers were harassed and badgered during the polygraph examinations, Fields and Maxey again requested through the appeal process what specifically were they accused of; they were never told. They however were terminated, without explanation.

31. After Brown, Walker, Bunton, and Roddy refused to make up false statements about Fields & Maxey, and regarding this alleged “kickback scheme” they too were terminated. Ironically, other drivers who were alleged to have been deceptive during their polygraph were not terminated. Brown, Walker, Bunton, and Roddy were treated differently than their counterparts based on their race, and retaliated against for opposing unlawful employment practices.

32. It was later found that the same employees who Fields and Maxey had repeatedly complained about, and whom they were prevented from counseling, were the individuals relied on by DCS to gather false information about the named Plaintiffs. These employees were considered “whistle-blowers” by DCS. The Plaintiffs contend that DCS and its respective agents knew this information to be false, and relied on it to their detriment.

33. DCS was fully aware that Fields and his staff, maintained the same policies and practices they did prior to coming to the Kleberg service Station. There was never a problem, prior to his transfer to Kleberg. When other service centers came under scrutiny, with White Area Directors, the Directors were not terminated, or defamed, they were simply transferred to

other service centers.

34. A few weeks prior to Fields transfer, he made a finding that a management employee had inappropriately harassed a female employee. Fields, was told by DCS to change the tenure of his findings. Essentially, it was suggested to Fields to be less than forthright regarding his findings of the harassment complaint. Nevertheless, Fields continued to speak up for this employee. From that time, until the date of his termination, Fields any supporters of him, were retaliated against. These individuals included Jan Maxey, Herman Brown, Lori Walker, Wanda Bunton, Brittany Roddy.

35. Moreover, after the Plaintiffs' termination, DCS gave a press conference alleging mismanagement of funds by all the Plaintiffs. In conjunction with this, in March of 2006, DCS provided a statement to Dallas Morning news that all the named Plaintiffs were terminated for "misconduct and mismanagement of DCS' employees and resources. These statements were false, and made with the intention of injuring the Plaintiffs' personal and professional reputation.

36. The Plaintiffs have suffered damages for which the Plaintiffs herein sue.

RACE DISCRIMINATION BY DALLAS COUNTY SCHOOLS

37. Defendant, Dallas County Schools, by and through Defendant's agents, intentionally engaged in unlawful employment practices involving Plaintiffs because of their race.

38. The unlawful employment practices of Defendants, Dallas County Schools, by and through Defendant's agents, specifically Plaintiffs termination, and the manner in which they were treated, had a disparate and adverse impact on the Plaintiffs because of their race. Such employment practices were not job-related and were not consistent with business necessity.

39. Defendant, Dallas County Schools, by and through Defendant's agents, also violated Plaintiffs' rights under 42 U.S.C. Section 1981.

40. Defendant, Dallas County Schools, by and through Defendant's agents, discriminated against Plaintiffs in connection with the compensation, terms, conditions and privileges of employment or limited, segregated or classified Plaintiffs in a manner that would deprive or tend to deprive them of any employment opportunity or adversely affect their status because of Plaintiffs' race in violation of 42 U.S.C. Section 2000e (2)(a) and 42 U.S.C. Section 1981.

41. Defendant, Dallas County Schools, by and through Defendant's agents, classified Plaintiffs in a manner that deprived him of an equal employment opportunity that was provided to employees similarly situated in violation of 42 U.S.C. Section 2000e (2)(a) and 42 U.S.C. Section 1981.

42. Plaintiffs allege that Defendant, Dallas County Schools, by and through Defendant's agents, discriminated against Plaintiff on the basis of race with malice or with reckless indifference to the state-protected rights of Plaintiffs.

RESPONDEAT SUPERIOR AND RATIFICATION

43. Whenever in this complaint it is alleged that the Defendant, Dallas County Schools, did any act or thing, it is meant that the Defendant's officers, agents, servants, employees or representatives did such act and/or that at that time such act was done, it was done with the full authorization or ratification of the Defendant or was done in the normal and routine course and scope of employment of Defendant's officers, agents, servants, employees, or representatives.

LIBEL BY RICK SORRELLS AND LARRY DUNCAN

44. Defendant Dallas County Schools with actual malice published false statements referring to Plaintiffs, which injured Plaintiffs' personal and business reputation, injured Plaintiffs' business reputation and imputed a crime against Plaintiffs in that they were involved in a "kick back" scheme and mismanagement of DCS' resources. Plaintiffs suffered damages for which Plaintiffs herein sues.

RETALIATION BY DALLAS COUNTY SCHOOLS

45. Plaintiffs allege that Defendant Dallas County Schools instituted a campaign of retaliation which included, administrative leave, then termination their termination of employment. This retaliation was and is due to Plaintiffs exercising their rights by opposing a discriminatory practices and testifying, assisting, or participating in an investigation or proceeding regarding unlawful discriminatory practices. Plaintiffs suffered damages for which Plaintiffs herein sue.

SLANDER BY RICK SORRELLS AND LARRY DUNCAN


46. Defendant s Rick Sorrells and Larry Duncan orally made a false statements referring to Plaintiffs which injured Plaintiffs' business reputation and imputed a crime against Plaintiffs. This was done with actual malice, and reckless indifference to the Plaintiffs. Plaintiffs suffered damages for which Plaintiffs herein sue.

DAMAGES

47. Plaintiffs sustained the following damages as a result of the actions and/or omissions of Defendants described hereinabove:

- a. All damages to which Plaintiffs may be entitled;**
- b. All reasonable and necessary Attorney's fees incurred by or on behalf of Plaintiffs;**
- c. Back pay from the date that Plaintiffs was denied equal pay for equal work and interest on the back pay in an amount to compensate Plaintiffs as the Court deems equitable and just;**
- d. All reasonable and necessary costs incurred in pursuit of this suit;**
- e. Emotional pain;**
- f. Expert fees as the Court deems appropriate;**
- g. Front pay in an amount the Court deems equitable and just to make Plaintiff whole;**
- h. Inconvenience;**
- I. Prejudgment interest;**
- j. Loss of enjoyment of life;**
- k. Mental anguish in the past;**
- l. Mental anguish in the future;**
- m. Loss of earnings in the past;**
- n. Loss of earning capacity which will, in all probability, be incurred in the future; and**
- o. Loss of benefits.**

Respectfully submitted,

By: 

Mellannise Henderson-Love

Texas Bar No. 00796741

700 N. Pearl Street, Suite 2170

Dallas, Texas 75201

Tel. (214)638-8777

Fax. (214)220-8777

Attorney for Plaintiffs

PLAINTIFFS HEREBY DEMAND TRIAL BY JURY

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

PLAINTIFFS Vincent Fields, Janet Maxey, Herman Brown, Lori Walker Wanda Bunton, and Brittany Roddy (b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES) <u>Tarrant</u>	DEFENDANTS Dallas County Schools and Rick Sorrells, and Larry Duncan County of Residence of First Listed Defendant <u>Dallas</u> (IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.	
(c) Attorney's (Firm Name, Address, and Telephone Number)	
Attorneys (If Known)	

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)	
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of This State <input type="checkbox"/> 1 Citizen of Another State <input type="checkbox"/> 2 Citizen or Subject of a Foreign Country <input type="checkbox"/> 3	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State <input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation	PTF DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)				
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl Ret. Inc Security Act	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes				

V. ORIGIN (Place an "X" in One Box Only)						
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION Brief description of cause Race Discrimination, Retaliation, and Defamation.

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)

VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY	(See instructions): JUDGE _____	DOCKET NUMBER _____
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DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____	MAG. JUDGE _____
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